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'Identity Politics' and Property in the Trump/Brexit Era

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In the aftermath of the Brexit and Trump victories, many on the left have been quick to blame 'identity politics' for the left's failure to mobilise the 'white working class' in revolting against the inequalities brought about by neoliberalism. This analysis is based on simplistic and often flawed representations of who voted for both victories,¹ a false equation of 'identity politics' with a narrow form of liberal identity politics, and a profound failure to grasp the racialized and gendered structure of labour, and therefore of capitalism.² While this analysis sees class as a useful category because it is conceptually tied to understandings of labour and capitalism, race, gender, sexuality and ability are dismissed as being analytically underdeveloped and marginal or even detrimental to anti-capitalist struggles. And yet critical race and feminist scholars have a significant and nuanced body of work providing an analysis of identity as material and structural to capitalism. Some of these scholars, such as Katherine Franke, have explicitly and powerfully addressed this most recent dismissal of identity politics,³ and I don't seek to replicate that work here. Suffice to say that dismissing 'identity politics' not only trivializes decades of practical struggle and intellectual work, but also (as Franke argues) constructs the lives and interests of white men as the neutral, unmarked terrain around which a politics of 'common interest' can and should be built.⁴ Those dismissing identity politics are in fact asserting white male identity politics.

White male identity politics is nothing new, and feminists and critical race theorists have already produced ample conceptual tools to understand and fight it. In particular, we know that identity must not be reduced to social categories that appear as fixed end products of seemingly unbreakable political and economic structures. Rather, we have to understand identity as material and as constantly being produced and reproduced by an array of social, legal, economic and other factors. The focus of my research, and the subject of this comment, is insights into the material nature of identity offered by feminist and critical race work on property. What this work shows and the key point of my comment, is that identity is inseparable from property. To construct identity as being about trivial self-interest, and property as being about straightforward material needs and resources is to misunderstand both. Particularly in this era of the immediate wake of the populist Trump and Brexit

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¹ See Gurinder Bhambra, 'Why are the white working classes still being held responsible for Brexit and Trump?', *LSE Brexit Blog*, 10 November 2017 <http://blogs.lse.ac.uk/brexit/2017/11/10/why-are-the-white-working-classes-still-being-held-responsible-for-brexit-and-trump/>.

² I have written on this topic previously with Nadine El-Enany, see 'Be Careful When You Fight Liberals, Lest You Become One', *Wildcat Dispatches*, 5 December 2016 <http://wildcatdispatches.org/2016/12/05/nadine-el-enany-and-sarah-keen-an-be-careful-when-you-fight-liberals-lest-you-become-one/>.

³ Katherine Franke, 'Making White Supremacy Respectable. Again', *Los Angeles Review of Books*, 21 November 2016 <http://blog.lareviewofbooks.org/essays/making-white-supremacy-respectable/>.

⁴ Ibid.

victories, 'identity' must not be seen as a distraction from material inequality, but rather as an essential aspect of it. Critical engagement with property is one way of doing that.

Property was understood by western Enlightenment philosophers as an essential part and/or extension of the proper subject.⁵ That proper subject was assumed to be white and male, probably also straight and able-bodied. This understanding of property contributed to both the enormous legal and social strength afforded to property rights (because your property was seen as an extension of yourself) and also to the heavy material consequences which came to be attached to being an improper subject.

In her influential 1993 Harvard Law Review piece, Cheryl Harris famously made the argument that whiteness is property.⁶ Writing in the US context but drawing on histories and arguments applicable to other Anglo-European states, Harris outlined how property rights are rooted in racial domination, specifically white supremacy. She sets out how slavery and colonial conquest – practices implemented by force and enshrined in law – established whiteness as a prerequisite to the exercise of enforceable property rights. So property was meaningless without whiteness; the two concepts grew up together in America. From the mid-1600s onwards whiteness was established in the US as a protected legal category which gave its members a wide range of social benefits from which non-white subjects were excluded. These benefits included immunity from enslavement, and the freedom to sell land to the highest bidder. And while slavery and conquest are no longer legal practices, by essentially maintaining the status quo of a socio-economic system entrenched in racial inequality, law continues to recognise the settled expectations of white people that have been built on the benefits and privileges of white supremacy. Harris sees whiteness as a property right which is exercised whenever a white person takes advantage of the privileges accorded to white people simply by virtue of their whiteness. Today these privileges are not as blatant as before civil rights became formally universal, but they still exist in vast and complex ways (and statistics on for example white and non-white rates of imprisonment, poverty levels and university entrance rates all reflect the persistent existence of these exclusive privileges). Harris suggests affirmative action as a means to undermine the property interest in whiteness because this would aim to effectively diminish the exclusiveness of white privilege. So according to Harris' conceptualization, property is both an essential part of the subject (one's race) and an important relationship between subjects (whiteness gives tangible and exclusive privileges over non-whites).

Other feminist legal theorists have also explored the idea that particular identities can function as property. Engaging with Harris' work and with other feminist understandings of the relational nature of identity, Margaret Davies troubles the distinction between 'having' and 'being', in regards to masculinity for example. 'If we accept that identity is at least partly an intersubjective, cultural construction and not simply a pre-social attribute', Davies argues, then it follows that identities are taken from or given by cultural and social

⁵ For an excellent summary of these philosophies, see Margaret Davies, *Property: Meaning, Histories, Theories* (Routledge, 2007).

⁶ Cheryl I. Harris, 'Whiteness As Property', *Harvard Law Review* (1993) 106(8): 1707-1791.

relations.⁷ There is thus a sense in which identity is never one's own, but a culturally determined aspect of one's person – a kind of gift in process, though often an unwanted one. Because having and being are so culturally interwoven, Davies argues that 'any question of "being" must bring with it – at some level – a question of "having"'.⁸ Failure to notice the interdependence of these ideas, she argues, may 'lead to the re-stereotyping or re-freezing of identities' which might otherwise be open to transgression. Making the case for a queer theory of property, Davies is arguing here that making the linkage between identity (which in law is generally understood as fixed and essential) and ownership (which in law is generally understood as transferable and impermanent) might allow for a de-essentialized understanding of both identity and property, and the possibility for a radical shift in the political consequences of both.

Davina Cooper has also questioned the distinction between ownership and membership of identity categories in her work on property. Cooper used belonging as a way to understand the overlap between property as ownership and property as membership. Based on an empirical study of a school with unique and alternative property practices, Cooper found that these property practices involve a number of intersecting dimensions, of which belonging is the most important part. Cooper considers belonging in two ways: firstly the relationship whereby an object, space, or rights over it belong to a subject ('subject-object'), and secondly the constitutive relationship of part to whole whereby attributes, qualities or characteristics belong to a thing or a subject ('part-whole').⁹ Both types of belonging implicate social relations and networks that extend beyond the immediate subject and object of property; property is instead understood as 'a set of networked relations in which the subject is embedded'.¹⁰ The first understanding of belonging that Cooper describes (subject-object) fits with legal and conventional understandings of property as ownership (e.g. the car, as object, belongs to me the owner, as subject). The second understanding of belonging that Cooper describes (part-whole) is a departure from traditional and legal understandings of property, but resonates strongly with Harris' analysis of whiteness as property and with Davies analysis of identity as property: property as membership.

Using this analysis, whiteness can be understood as property because the property-holder is embedded in certain social relations and networks of belonging. A white person can enjoy the privileges of whiteness because he or she *belongs to* the various social relations and networks that constitute whiteness. As sociologists such as Ruth Frankenberg have shown, those relations and networks are complex and far-reaching. Whiteness, like all identity categories, is socially constructed through historically specific fusions of political, economic and other forces.¹¹ And whiteness in turn 'constructs daily practices and worldviews in

⁷ Margaret Davies, 'Queer Property, Queer Persons: Self-Ownership and Beyond', *Social and Legal Studies* (1999) 8(3): 327-352, 333.

⁸ Ibid 342.

⁹ Davina Cooper, 'Opening Up Ownership: Community Belonging, Belongings, and the Productive Life of Property' *Law & Social Inquiry* (2007) 32(3): 625-664, 629. For a further exposition of this ideas see Davina Cooper, *Everyday Utopias: The Conceptual Life of Promising Spaces* (Duke University Press, 2013).

¹⁰ 'Opening Up Ownership', *ibid* 636.

¹¹ Ruth Frankenberg, *The Social Construction of Whiteness: White Women, Race Matters* (Routledge, 1993).

complex relations with material life'.¹² That is, whiteness is productive of subjectivities. So while whiteness can be understood as belonging to the white subject as Harris argues (whiteness as property in the sense of subject-object belonging), the white subject also belongs to the complex relations and networks that form whiteness (whiteness as property in the sense of part-whole belonging). This analysis suggests that in order to understand the varied social powers of property, both subject-object and part-whole belonging must be considered. Ownership and membership are always intertwined. Having is always linked to being, property to identity. In policy terms, this analysis means that if the normative goal is to challenge the way whiteness (or another identity category) operates as a structure of exploitation and oppression, then it is the relations and networks that form whiteness which must be undermined rather than the narrower project of liberating or disciplining the individual subjects who belong to them (e.g. liberal measures such as anti-discrimination law and hate crime law).

In my own work I have drawn on critical geography to analyze the spatiality of embedded relations of belonging. Building on Cooper's work, I argue that in order to constitute property, the set of networked relations to which Cooper refers must not only include one of belonging between either subject and object or part and whole, but must also be structured in such a way that that relation of belonging is conceptually, socially and physically supported or 'held up'.¹³ That is, the set of networked relations that Cooper describes must form a space that holds up the relation of belonging. Relations of belonging are held up when the wider social processes, structures and networks that constitute space give force to those relations. By this I mean that they are recognized, accepted and supported in ways that have a range of effects and consequences. In policy and strategy terms, this means that there must be a multiplicity of tactics and demands, going beyond legal recognition of particular relations of belonging as property. As has been pointed out by many indigenous scholars in particular, recognition fails to acknowledge or address the violence inherent in colonial orders,¹⁴ instead it brings new relations of belonging into those orders and thereby depoliticizes them. Because the concept of 'holding up' is about the multiplicity of processes, structures and networks that constitute space, it is directly concerned with these orders.

So what does this mean for identity in the Trump/Brexit era? Firstly, it means that analyses of Trump and Brexit that see these electoral victories as being about the haves and the have nots are not accurate unless they acknowledge whiteness as something to be had. The appeal of Trump and Brexit was not only about the material promises each campaign made to improve imbalance in the distribution of wealth, but also the promises made to reshape national space such that white men would feel a sense of unbridled ownership and membership reminiscent of eras when both nations were more explicitly white supremacist. This is not because white people are 'bad' but because they are embedded in spaces that have been shaped by the white supremacist practices of colonialism and slavery, which are still today the material and social basis of the US and Britain (and Australia). There has

¹² Ibid 228.

¹³ Sarah Keenan, *Subversive Property: Law and the Production of Spaces of Belonging* (Routledge, 2015).

¹⁴ See e.g. Irene Watson, 'Buried Alive', *Law and Critique* (2002) 13: 253-269; Glen Coulthard, *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition* (University of Minnesota Press, 2014).

never been a formal redistribution of property by way of reparations for that which was violently taken through these practices – instead it has become the property of those who have subsequently inherited or bought it. Both the Trump and Brexit campaigns were able to succeed because they took place in spaces that, despite gains in formal equality terms and a level of cultural shift, continue to hold up exclusive relations of belonging between white people (men in particular) and the national space.

Understanding property as including identity and relying on space means that to create effective political change requires a multiplicity of tactics, including but not limited to material redistribution. This was the case before Trump and Brexit and remains the case today. As other commentators have pointed out, we need to understand the Trump and Brexit victories not as exceptional to the social and political worlds we inhabit but rather as their latest manifestations. Identity matters now as it did before Trump and Brexit; membership is and always has been connected to ownership, having to being. As feminists we will continue to update our strategies in the long fight to reshape the spaces we inhabit.